

ENTERED

September 01, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MICHAEL LEWIS,

Plaintiff,

VS.

SHAFFER PROJECT RESOURCES, INC.,

Defendant.

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CIVIL ACTION NO. 2:19-CV-353

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

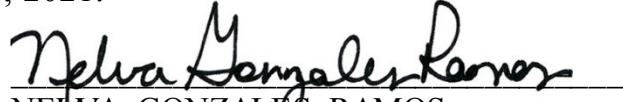
On August 4, 2021, United States Magistrate Judge Jason B. Libby issued his Memorandum and Recommendation (M&R, D.E. 204), recommending that Defendant's motion to dismiss (D.E. 197) be granted and that the individual claims of Terry Albee and Dale Totten be dismissed for failure to cooperate with discovery as representative plaintiffs. The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge's M&R. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge's M&R is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's M&R. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's M&R (D.E. 204), and all other relevant documents in the record, and

finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the motion to dismiss (D.E. 197) is **GRANTED** and the individual claims of Terry Albee and Dale Totten are **DISMISSED WITH PREJUDICE**.

ORDERED this 1st day of September, 2021.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE